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PETER K. TRZYNA
P.O. BOX 7131
CHICAGO IL 60680

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OFFICE OF PETITIONS

In re Application of
Polis :
Application No. 09/747,506 : ON PETITION
Filed: 22 December, 2000 :
Attorney Docket No.: Schutz-P1-00 :

This is a decision on the petition filed 9 August, 2006, and considered under 37 C.F.R. §1.182.

The petition is **GRANTED**.¹

BACKGROUND

The petition alleges that, after filing, Applicant at the signing of the oath/declaration, Petitioner sought and obtained a court order setting forth a change of name from Jared Polis Schutz to **JARED SCHUTZ POLIS**.

¹ Petitioner's attention is drawn to the commentary at MPEP 605.04(c), which provides in pertinent part:

605.04(c) Inventor Changes Name [R-3] - 600 Parts, Form, and Content of Application

605.04(c) Inventor Changes Name [R-3]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and ** the procedure whereby the change of name was effected, or a certified copy of the court order.

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name. (Emphasis supplied.)

Petitioner once again is reminded to provide a supplemental application datasheet--also a directive set forth in the commentary at MPEP §605.04(c).²

Petitioner is reminded to submit to the Assignment Division a corrected assignment document and cover sheet--as well as the appropriate fee--as set forth in 37 C.F.R. §1.21(h) for change of the assignment record.

CONCLUSION

The petition under 37 C.F.R. §1.182 is **granted**.

This application is released to OIPE with instructions to reflect the correct statement of the inventor's name (formerly known as Jared Polis Schutz) to JARED SCHUTZ POLIS, and to:

- **issue a corrected filing receipt; and**
- **insert into the record the corrected bib sheet,**

and so release the application for further processing in due course.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2³) and the

² The commentary at MPEP §605.04(c) provides in pertinent part:
605.04(c) Inventor Changes Name [R-3]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed *by the inventor setting forth< both names and ** the procedure whereby the change of name was effected, or a certified copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.<

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

³ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is

proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



John J. Gillon, Jr.
Senior Attorney
Office of Petitions